

EXHIBIT C

Clean Version Of All Pending Elected Claims U.S. Patent Application No. 09/891,715

We claim:

1. (Amended) A device for treating ischemic tissue, the device comprising:
 - an elongate shaft having proximal and distal ends, a lumen extending therebetween;
 - a control structure operably connected to the shaft for actuation of the device by user activation;
 - at least one injury effector adjacent the elongate shaft's distal end, and capable of inducing a mechanical, chemical, substance, or energy injury produced at a tissue site in response to actuation by the control structure when the shaft's distal end is placed against or near a tissue surface;
 - at least one therapeutic-substance delivery effector carried on the elongate shaft at the distal end thereof, said therapeutic-substance delivery effector having at least one therapeutic-substance delivery port through which therapeutic-substance can be delivered from the therapeutic-substance delivery effector into tissue against or near which the therapeutic-substance delivery effector is placed, each of said one or more injury effectors and said one or more therapeutic-substance delivery ports being spaced from one another at selected positions and adapted to be placed simultaneously against or near such tissue; and
 - at least one therapeutic-substance source having a reservoir for storing a substance and in substance communication with said one or more therapeutic-substance delivery ports, and responsive to said control structure to eject therapeutic-substance from said reservoir through said one or more therapeutic-substance delivery ports into such tissue;
- wherein, said control structure, when activated by a user, operates to actuate at least one of said one or more injury effectors, and additionally actuates said therapeutic-substance source to expel therapeutic-substance through said one or more therapeutic-substance delivery ports to create one or more sites of therapeutic-substance infusion in the tissue at one or more defined spaced-apart locations with respect to the created one or more sites of injury.

2. (Amended) The device of claim 1 further comprising a marking effector for creating a treatment position marker.

3. (Amended) The device of claim 2 wherein the marking effector is separate from the injury and therapeutic-substance delivery effectors.

4. (Amended) The device of claim 2 wherein the marking effector is combined with at least one of the injury or therapeutic-substance delivery effectors.

5. (Amended) The device of claim 1 wherein at least one of the one or more injury effectors and at least one of the one or more therapeutic-substance delivery effectors actuate simultaneously.

6. (Amended) The device of claim 1 wherein at least one of the one or more injury effectors and at least one of the one or more therapeutic-substance delivery effectors actuate sequentially.

7. (Amended) The device of claims 2, 3, or 4 wherein at least one of the one or more injury effectors, at least one of the one or more therapeutic-substance delivery effectors, and the marking effector actuate simultaneously.

8. (Amended) The device of claims 2, 3, or 4 wherein at least one of the one or more injury effectors, at least one of the one or more therapeutic-substance delivery effectors, and the marking effector actuate sequentially.

9. (Amended) The device of claims 2, 3, or 4 wherein the marking effector actuates independently from the one or more injury effectors or the one or more therapeutic-substance delivery effectors.

10. (Amended) The device of claim 1 wherein the therapeutic-substance source is actuated independent of the actuation of at least one of the one or more therapeutic-substance delivery effectors.

11. (Amended) The device of claim 1 wherein the therapeutic-substance source is actuated simultaneous to the actuation of at least one of the one or more therapeutic-substance delivery effectors.

12. The device of claim 1 wherein the elongate shaft further comprises a steerable distal end.

13. (Amended) The device of claim 1 further comprising an optical viewing port located at or proximate the elongate shaft's distal end and being in optical communication with an imaging device.

14. (Amended) The device of claim 1 wherein the elongate shaft further comprises a contact sensor located at or proximate the elongate shaft's distal end.

15. (Amended) The device of claim 1 wherein the elongate shaft further comprises a positioning aid located at or proximate the elongate shaft's distal end.

16. The device of claim 1 wherein the elongate shaft is a catheter.

17. The device of claim 1 wherein the elongate shaft is an endoscope.

18. The device of claim 1 wherein the elongate shaft is an open surgical hand held device.